

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/TNL)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY, an
Indiana corporation,

**DEFENDANT'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO FAIR ISAAC
CORPORATION**

Defendant.

In accordance with Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant Federal Insurance Company requests that Fair Isaac Corporation furnish responses to the following document requests within thirty (30) days of service. Federal further requests that the documents be produced on the 30th day following the date of service at Fredrikson & Byron, P.A., 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402-1425.

DEFINITIONS

1. "Document" has the broadest meaning that can be ascribed to it pursuant to the Federal Rules of Civil Procedure. Among other things, "document" means the original and any non-identical copy of any written, printed, electronic, recorded, graphic or photographic matter or sound reproduction, however produced or reproduced, including, but not limited to, correspondence, telegrams, other written communications, contracts, agreements, diaries, memoranda, logs, notes, forms,



analyses, projections, work papers, calendar and tape recordings, prepared or received by you, or in your possession, custody or control, and/or whose identity, existence, and location are known by you. As used herein, “document” shall include things, and “thing” shall include documents.

2. “FICO,” “you,” or “your” means Plaintiff Fair Isaac Corporation, its employees, representatives, agents, attorneys, successors, predecessors, parent companies, subsidiaries, and any other persons or entities acting on its behalf or at its direction.

3. “Federal” means Federal Insurance Company and its operating division Chubb & Son.

4. “Work” and “Works” refers to the copyrighted works referenced in Paragraph 10 of the Complaint.

5. “Agreement” means the Software License and Maintenance Agreement between FICO and Federal.

DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 1: All documents identified in, described in, or relied on in preparing your responses to Federal’s Interrogatories.

REQUEST FOR PRODUCTION NO. 2: All documents identified in, described in, or relied on in preparing the Complaint and Amended Complaint.

REQUEST FOR PRODUCTION NO. 3: All documents concerning the negotiation, drafting and execution of the Agreement, including but not limited to drafts, comments, notes, redlines, and communications between the parties.

REQUEST FOR PRODUCTION NO. 4: All documents concerning the negotiation, drafting and execution of Amendment One to the Agreement, including but not limited to drafts, comments, notes, redlines, and communications between the parties.

REQUEST FOR PRODUCTION NO. 5: All documents concerning the negotiation, drafting and execution of Amendment Two to the Agreement, including but not limited to drafts, comments, notes, redlines, and communications between the parties.

REQUEST FOR PRODUCTION NO. 6: All documents that evidence, refer or relate to communications you have had with Federal since January 1, 2016.

REQUEST FOR PRODUCTION NO. 7: All communications you have had with Federal regarding Federal's use of the licensed software.

REQUEST FOR PRODUCTION NO. 8: All internal non-privileged communications you have had relating to the Agreement in issue, Federal and/or this lawsuit.

REQUEST FOR PRODUCTION NO. 9: All documents, electronic information and metadata that relate to the January 27, 2016 letter from Thomas F. Carretta to Joseph F. Wayland, including but not limited to drafts, comments, notes, redlines, document history, and communications.

REQUEST FOR PRODUCTION NO. 10: All documents that evidence, refer or relate to your ongoing negotiations with Federal regarding the license of software.

REQUEST FOR PRODUCTION NO. 11: Documents sufficient to identify the third parties you claim received the Works from Federal.

REQUEST FOR PRODUCTION NO. 12: All documents that evidence, refer or relate to any alleged disclosure of the Works by Federal to third parties.

REQUEST FOR PRODUCTION NO. 13: All agreements related to the Works you contend Federal infringed.

REQUEST FOR PRODUCTION NO. 14: All statements of witnesses that relate to the Agreement or to this dispute.

REQUEST FOR PRODUCTION NO. 15: All documents that support or relate to each element of damages being claimed.

REQUEST FOR PRODUCTION NO. 16: All documents that evidence, refer or relate to licensing revenues you have received for the Works from 2006 to present.

REQUEST FOR PRODUCTION NO. 17: Documents sufficient to show the amount of the licensing fee for each perpetual license to the Works from 2006 to present.

REQUEST FOR PRODUCTION NO. 18: Documents sufficient to show the average amount per seat you have received in licensing revenues for the Works in each year from 2006 to present.

REQUEST FOR PRODUCTION NO. 19: All licensing agreements for the Works from 2006 to present.

REQUEST FOR PRODUCTION NO. 20: All documents that evidence, refer or relate to your enforcement of the Works against alleged infringers.

REQUEST FOR PRODUCTION NO. 21: All documents that relate to requests for consent under Paragraph 10.8 of the Software License and Maintenance Agreement

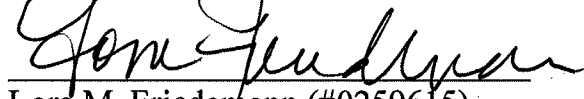
(or similar clauses in other FICO license agreements) and your response to each request from January 1, 2012 to present.

REQUEST FOR PRODUCTION NO. 22: All documents you have received from third parties relating to the issues raised in this lawsuit, whether obtained informally or via subpoena.

REQUEST FOR PRODUCTION NO. 23: All documents not otherwise requested that refer or relate to the claims and defenses in this lawsuit.

Dated: 4-18, 2017

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